



Policing and Crime Act 2009

2009 CHAPTER 26

PART 6

EXTRADITION

Deferral of extradition

69 Extradition to category 1 territory

After section 8 of the [Extradition Act 2003](#) insert—

“8A Person charged with offence in United Kingdom before extradition hearing

- (1) This section applies if—
 - (a) a person has been brought before the appropriate judge under section 4(3) or 6(2) but the extradition hearing has not begun; and
 - (b) the judge is informed that the person is charged with an offence in the United Kingdom.
- (2) The judge must order further proceedings in respect of the extradition to be adjourned until one of these occurs—
 - (a) the charge is disposed of;
 - (b) the charge is withdrawn;
 - (c) proceedings in respect of the charge are discontinued;
 - (d) an order is made for the charge to lie on the file, or in relation to Scotland, the diet is deserted *pro loco et tempore*.
- (3) If a sentence of imprisonment or another form of detention is imposed in respect of the offence charged, the judge may order further proceedings in respect of the extradition to be adjourned until the person is released from detention pursuant to the sentence (whether on licence or otherwise).

8B Person serving sentence in United Kingdom before extradition hearing

- (1) This section applies if—
 - (a) a person has been brought before the appropriate judge under section 4(3) or 6(2) but the extradition hearing has not begun; and
 - (b) the judge is informed that the person is in custody serving a sentence of imprisonment or another form of detention in the United Kingdom.
- (2) The judge may order further proceedings in respect of the extradition to be adjourned until the person is released from detention pursuant to the sentence (whether on licence or otherwise).
- (3) In a case where further proceedings in respect of the extradition are adjourned under subsection (2)—
 - (a) section 131 of the Magistrates’ Courts Act 1980 (remand of accused already in custody) has effect as if a reference to 28 clear days in subsection (1) or (2) of that section were a reference to six months;
 - (b) Article 47(2) of the Magistrates’ Courts (Northern Ireland) Order 1981 (period of remand in custody) has effect as if a reference to 28 days in—
 - (i) sub-paragraph (a)(iii), or
 - (ii) the words after sub-paragraph (b),were a reference to six months.”

70 Extradition to category 2 territory

After section 76 of the [Extradition Act 2003 \(c. 41\)](#) insert—

“76A Person charged with offence in United Kingdom before extradition hearing

- (1) This section applies if—
 - (a) a person has been brought before the appropriate judge under section 72(3) or 74(3) but the extradition hearing has not begun; and
 - (b) the judge is informed that the person is charged with an offence in the United Kingdom.
- (2) The judge must order further proceedings in respect of the extradition to be adjourned until one of these occurs—
 - (a) the charge is disposed of;
 - (b) the charge is withdrawn;
 - (c) proceedings in respect of the charge are discontinued;
 - (d) an order is made for the charge to lie on the file, or in relation to Scotland, the diet is deserted *pro loco et tempore*.
- (3) If a sentence of imprisonment or another form of detention is imposed in respect of the offence charged, the judge may order further proceedings in respect of the extradition to be adjourned until the person is released from detention pursuant to the sentence (whether on licence or otherwise).

76B Person serving sentence in United Kingdom before extradition hearing

- (1) This section applies if—
 - (a) a person has been brought before the appropriate judge under section 72(3) or 74(3) but the extradition hearing has not begun; and
 - (b) the judge is informed that the person is in custody serving a sentence of imprisonment or another form of detention in the United Kingdom.
- (2) The judge may order further proceedings in respect of the extradition to be adjourned until the person is released from detention pursuant to the sentence (whether on licence or otherwise).
- (3) In a case where further proceedings in respect of the extradition are adjourned under subsection (2)—
 - (a) section 131 of the Magistrates’ Courts Act 1980 (remand of accused already in custody) has effect as if a reference to 28 clear days in subsection (1) or (2) of that section were a reference to six months;
 - (b) Article 47(2) of the Magistrates’ Courts (Northern Ireland) Order 1981 (period of remand in custody) has effect as if a reference to 28 days in—
 - (i) sub-paragraph (a)(iii), or
 - (ii) the words after sub-paragraph (b),were a reference to six months.”

71 Person charged with offence or serving sentence of imprisonment

- (1) The [Extradition Act 2003 \(c. 41\)](#) is amended as follows.
- (2) In section 22(3) (power to adjourn extradition hearing in Part 1 case) for “the sentence has been served” substitute “the person is released from detention pursuant to the sentence (whether on licence or otherwise)”.
- (3) In section 23 (person serving sentence in Part 1 case)—
 - (a) in subsection (1), after “issued is” insert “in custody”, and
 - (b) in subsection (2), for “the sentence has been served” substitute “the person is released from detention pursuant to the sentence (whether on licence or otherwise)”.
- (4) In section 88(3) (power to adjourn extradition hearing in Part 2 case) for “the sentence has been served” substitute “the person is released from detention pursuant to the sentence (whether on licence or otherwise)”.
- (5) In section 89 (person serving sentence in Part 2 case)—
 - (a) in subsection (1) after “person is” insert “in custody”, and
 - (b) in subsection (2) for “the sentence has been served” substitute “the person is released from detention pursuant to the sentence (whether on licence or otherwise)”.
- (6) In section 97(3) (power to defer decision on extradition) for “the sentence has been served” substitute “the person is released from detention pursuant to the sentence (whether on licence or otherwise)”.

Status: This is the original version (as it was originally enacted).

- (7) In section 98 (person serving sentence in Part 2 case: reference by judge)—
- (a) in subsection (1)(b) after “person is” insert “in custody”, and
 - (b) in subsection (2) for “the sentence has been served” substitute “the person is released from detention pursuant to the sentence (whether on licence or otherwise)”.
- (8) In section 102(3) (meaning of “appropriate day” where decision deferred) for the words from “until the person” to the end substitute “, the appropriate day is the day on which the person is released from detention pursuant to the sentence (whether on licence or otherwise).”
- (9) In section 197A (extradition of serving prisoner) after “a person who is” insert “in custody”.
- (10) In section 216 (interpretation) after subsection (6) insert—
- “(6A) References to releasing a person from detention pursuant to a sentence do not include releasing a person temporarily on licence pursuant to an intermittent custody order under section 183(1)(b) of the Criminal Justice Act 2003.”